

Docket No.: 1248-0893PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hiroshi ITOH et al.

Application No.: 10/589,781

Confirmation No.: 2315

Filed: August 17, 2006

Art Unit: 2629

For: VIDEO DISPLAY DEVICE

Examiner: R. Rainey

REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

MS 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account 02-2448 shown on the statement for the month of August 2009 for the above-identified

☒ application

☐ patent

☒ A copy of the monthly statement in which the error referred to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND <u>REQUESTED</u>
<input type="checkbox"/> filing fee	_____
<input type="checkbox"/> search fee	_____
<input type="checkbox"/> examination fee	_____
<input type="checkbox"/> surcharge for filing the basic filing on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
and/or	
<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
<input checked="" type="checkbox"/> extension of term	
<input checked="" type="checkbox"/> first month	<u>130.00</u>
<input type="checkbox"/> second month	_____
<input type="checkbox"/> third month	_____
<input type="checkbox"/> fourth month	_____
<input type="checkbox"/> excess claims	_____
<input type="checkbox"/> issue fee	_____
<input type="checkbox"/> petition fee	_____

- ☐ patent maintenance fee _____
- ☐ first maintenance fee _____
- ☐ second maintenance fee _____
- ☐ third maintenance fee _____
- ☐ patent maintenance fee surcharge _____
- ☐ Other: _____
- _____
- _____

TOTAL REFUND REQUESTED

\$130.00

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

The Reply to the Restriction Requirement that was filed on July 29, 2009 was filed within the 2 month time period given by the U.S.P.T.O. as stated on the Restriction Requirement dated May 29, 2009(copy attached). Therefore, no extension of time fee is due, and Applicants request a refund of the extension of time fee. Applicants have also attached a copy of the Electronic Filing Receipt dated July 29, 2009, as evidence of the timely filing of the Reply to the Restriction Requirement.

IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.


We respectfully request that a copy of this letter be returned to us with an indication that the credit has been processed.

Application No.: 10/589,781

Docket No.: 1248-0893PUS1

Dated: October 6, 2009

Respectfully submitted,

By 
Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
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Attorney for Applicant

Attachment: PTO Deposit Account Statement
Restriction Requirement
Electronic Filing Receipt

08/12 3239	11902190	0965-0508PUS1	1251	\$130.00	\$263,663.
08/12 3674	6483457	1163-0278P, 0358P, 0430P	8021	\$120.00	\$263,543.
08/12 4299	10797144	1155-0332PUS1	1801	\$810.00	\$262,733.
08/12 4431	12539319	0465-2228PUS1	1011	\$330.00	\$262,403.
08/12 4434	12539319	0465-2228PUS1	1202	\$104.00	\$262,299.
08/12 4432	12539319	0465-2228PUS1	1111	\$540.00	\$261,759.
08/12 4433	12539319	0465-2228PUS1	1311	\$220.00	\$261,539.
08/12 4558	10558305	1248-1031PUS1	1504	\$300.00	\$261,239.
08/12 4559	10558305	1248-1031PUS1	8001	\$12.00	\$261,227.
08/12 4552	10558305	1248-1031PUS1	1501	\$1,510.00	\$259,717.
08/12 4719	12539338	6003-0121PUS1	1011	\$330.00	\$259,387.
08/12 4720	12539338	6003-0121PUS1	1111	\$540.00	\$258,847.
08/12 4721	12539338	6003-0121PUS1	1311	\$220.00	\$258,627.
08/12 4722	12539338	6003-0121PUS1	1201	\$220.00	\$258,407.
08/12 4955	11883578	4951-0106PUS2	1806	\$180.00	\$258,227.
08/12 5170	11883581	4951-0105PUS2	1806	\$180.00	\$258,047.
08/12 5274	11907358	0171-1389PUS1	1201	\$220.00	\$257,827.
08/12 5438	11199452	0142-0499PUS1	1252	\$490.00	\$257,337.
08/12 5439	11199452	0142-0499PUS1	1801	\$810.00	\$256,527.
08/12 5581	11943716	1163-0494PUS5	1253	\$1,110.00	\$255,417.
08/12 5583	61087932	0365-0754PUS1	8007	\$20.00	\$255,397.
08/12 5858	12539415	0630-3255PUS3	1111	\$540.00	\$254,857.
08/12 5859	12539415	0630-3255PUS3	1311	\$220.00	\$254,637.
08/12 5857	12539415	0630-3255PUS3	1011	\$330.00	\$254,307.
08/12 6020	29332843	0649-2139PUS1	1806	\$180.00	\$254,127.
08/12 7200	10769813	1630-0455PUS1	1501	\$1,510.00	\$252,617.
08/12 7199	10769813	1630-0455PUS1	1504	\$300.00	\$252,317.
08/12 7201	10769813	1630-0455PUS1	8001	\$12.00	\$252,305.
08/12 8136	11228358	1630-0669PUS2	1814	\$280.00	\$252,025.
08/12 8250	11228359	1630-0669PUS4	1814	\$280.00	\$251,745.
08/12 8605	11337587	0505-1449PUS1	1253	\$980.00	\$250,765.
08/12 8607	11337587	0505-1449PUS1	1401	\$540.00	\$250,225.
08/12 159	11704238	2091-0367PUS1	1806	\$180.00	\$250,045.
08/12 160	09806457	2836-0153PUS1	2801	\$405.00	\$249,640.
08/12 162	09806457	2836-0153PUS1	2252	\$180.00	\$249,460.
08/12 9120	11790632	0879-0899PUS1	1501	\$1,510.00	\$247,950.
08/12 9121	11790632	0879-0899PUS1	1504	\$300.00	\$247,650.
08/12 9122	11790632	0879-0899PUS1	8001	\$12.00	\$247,638.
08/12 9124	12526685	1691-0244PUS1	8021	\$40.00	\$247,598.
08/12 9130	11235113	0879-0621PUS1	1501	\$1,510.00	\$246,088.
08/12 9131	11235113	0879-0621PUS1	1504	\$300.00	\$245,788.
08/12 9132	11235113	0879-0621PUS1	8001	\$12.00	\$245,776.
08/12 9138	11336994	0879-0678PUS1	1801	\$810.00	\$244,966.
08/12 9379	12068505	1630-0440PUS2	1806	\$180.00	\$244,786.
08/12 9575	61076259	2815-0471PUS1	8007	\$20.00	\$244,766.
08/12 9597	10592351	2611-0264PUS1	1806	\$180.00	\$244,586.
⇒ 08/12 4	10589781	1248-0893PUS1	1251	\$130.00	\$244,456.



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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,781	08/17/2006	Hiroshi Itoh	1248-0893PUS1	2315
2292 7590 05/29/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER RAINEY, ROBERT R	
			ART UNIT 2629	PAPER NUMBER
			NOTIFICATION DATE 05/29/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/589,781	Applicant(s) ITOH ET AL.	
	Examiner ROBERT R. RAINEY	Art Unit 2629	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-76 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Election/Restriction and Requirement for Information.</u> |

Election/Restriction and Requirement for Information

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Applicant describes 20 embodiments, but some of these embodiments, such as number 20, have enumerated variations that also seem to be embodiments. The breakdown into species is complicated beyond the number of embodiments because some so named embodiments seem to refer to separate inventions that may be used together, i.e. change of individual pixel data levels more than once each vertical cycle and backlight modulation. Because of this and because of the number of described embodiments and figures and further because of the fact that applicant states that "An embodiment based on a proper combination of technical means disclosed in different embodiments is encompassed in the technical scope of the present invention. ", examiner has no reasonable way to identify all of the species of the instant application.

As an aid to his own understanding of the possible combinations disclosed, examiner developed the following, non-exhaustive list of options described. It is offered here as an example of what examiner considers to be one proper way to identify a species.

Basic concept (generic to all species): combine impulse and constant illumination driving

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- Display Type (choose 1)
 - LCD
 - EL
- Source of first and second intensity levels (choose 1)
 - change of individual pixel data levels more than once each vertical cycle
 - backlight modulation
 - Number of light sources (choose 1)
 - a single light source
 - two light sources
 - Modulation method (choose 1)
 - Change backlight intensity
 - Separate modulator between backlight and pixel display (choose 1)
 - variable
 - on/off
- Intensity level generation method
 - amplitude
 - PWM

Example species from the above: LCD using PWM of a single light source backlight to generate first and second intensity levels.

Applicant is required, in reply to this action, to identify and elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

The following claim(s) are generic: 1 and 76 seem to be generic to all disclosed species.

3. The species do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Each species necessarily includes features different in some way from those of every other species. If it is the totality of the features of a species that represent the special technical feature, that is that which distinguishes the invention over the prior art, then no other species shares that same special technical feature. This is the case when no generic or linking claim is found to be allowable.

Since applicant's disclosure and claims involve a basic concept that may be implemented in different ways on different platforms and with different combinations of features, divisions from generically claimed features into species specific versions of the generic feature can appear at multiple levels in the claim tree. Applicant is encouraged to identify elected claims that are generic to a subset of species (and the claims

regarding the subset). This will help examiner identify claims that should be rejoined should a claim or claims be found to be allowable.

Requirement for Information

4. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

5. In response to this requirement, please provide the title, citation and copy of each publication that is cited at the end of the paper "A Method of Improving AMLCD Motion Picture Quality" that has Inventors Itoh and Seo as co-authors. For the publication not in the English language please provide a concise explanation of the relevance of the publication. For each publication please provide an indication of teachings from the concise explanation of relevance provided for the paper "A Method of Improving AMLCD Motion Picture Quality" that may be found in the publication, if any. The English language part of the citations are repeated here for convenience.

- [1] EID200-47, pp.13-18(2000-09)
- [2] J. Hirakata: "Super-TFT-LCD for Moving Picture Images with the Blink Backlight System", SID 01 DIGEST, 35.2, pp. 990-993 (2001)
- [3] T. Kurita: "Proposal of a Motion-Adaptive Intermittent Displayed Light Method", IDW 03 VHF2-5, pp.1733-1734 (2003)

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6. In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

Precisely identify which portion(s) of the disclosure provide the written description and enablement support for specific claim element(s).

- Indicate the drawings and relevant portions of the specification that describe the elected species.
- Conditions B: $48 < S < 62$, and $D \leq (S-48)/0.23$, especially as S approaches 48. It appears that the limitation requires an infinite instantaneous intensity in order to provide 48% of the total intensity in no time.

In the author list for the paper "A Method of Improving AMLCD Motion Picture Quality" Inventor Itoh is listed as Hiroshi ITO. Please provide a list of alternative versions, if any, of the names of Inventors Itoh and Seo that have been provided for applications or appeared on published patent applications for either the U. S. A. or Japan.

7. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

8. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

9. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

10. This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

Conclusion

Note that the shortened statutory time limit set for both the election/restriction and requirement for information is set on the accompanying summary at 2 months from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT R. RAINEY whose telephone number is (571)270-3313. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RR/

/Abbas I Abdulsalam/
Primary Examiner, Art Unit 2629

Application/Control Number: 10/589,781
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Electronic Acknowledgement Receipt

EFS ID:	5795536
Application Number:	10589781
International Application Number:	
Confirmation Number:	2315
Title of Invention:	Video display device
First Named Inventor/Applicant Name:	Hiroshi Itoh
Customer Number:	02292
Filer:	Michael Robert Cammarata/Michelle McCummings
Filer Authorized By:	Michael Robert Cammarata
Attorney Docket Number:	1248-0893PUS1
Receipt Date:	29-JUL-2009
Filing Date:	17-AUG-2006
Time Stamp:	18:38:57
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	6378
Deposit Account	022448
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. 1.492 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		20090729Reply.pdf	189104 de310216695614130fd50d36788f6845ea6b788	yes	5
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Miscellaneous Incoming Letter		1	1	
	Response to Election / Restriction Filed		2	5	

Warnings:

Information:

2		20090729IDS.pdf	316996 f815cc13796da66df29fda904b66ef1b47aafbf	yes	7
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Miscellaneous Incoming Letter		1	1	
	Transmittal Letter		2	6	
	Information Disclosure Statement (IDS) Filed (SB/08)		7	7	

Warnings:

Information:

3	NPL Documents	NPLDocumentCA.pdf	597820 12ccc829ce77f69945ba052619a3ed6c621a0a36	no	11
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Warnings:

Information:

4	NPL Documents	NPLDocumentCB.pdf	274342 c8ebe470bf09cfe7fa9cfc391458e34d9ee945	no	4
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Warnings:

Information:

5	NPL Documents	NPLDocumentCC.pdf	156338 cbedba8543bcd8301f5e15369ea53e0d1f66aa1	no	2
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Warnings:

Information:

6	Fee Worksheet (PTO-875)	fee-info.pdf	30231 eccf498d09d183e6bfa5ecf1dd42801425b3a270	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				1564831	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					